

Notice of Allowability

Application No.

10/665,849

Examiner

Yuzhen Ge

Applicant(s)

KRIS ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/17/2007.
2. ☒ The allowed claim(s) is/are 1, 4, 6, 8, 10-11, 14-16 and 18-20 (relabeled as claims 1-12).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

WENPENG CHEN
PRIMARY EXAMINER

6/18/07

Examiner's Remark

Applicant's amendment to claims and drawings, filed on 5/17/2007, has been received and entered into the file. The objections to drawing and 101 rejections of claims 16-20 have been overcome in view of applicant's amendments/remarks and are hereby withdrawn. Claims 2, 3, 5, 7, 9, 12-13 and 17 are canceled and claims 1, 4, 6, 8, 10-11, 16 and 18 are amended. Claims 1, 4, 6, 8, 10-11, 14-16 and 18-20 are pending.

Regarding applicant's remark that claims 1 and 16 have been amended to incorporate allowable subject matter from claim 10, the examiner disagrees. The claim limitation indicated allowable for claim 10 is different from the limitations that are incorporated into claims 1 and 16. However, upon further searches and consideration, the amended claims 1 and 16 are found allowable. Claim 11 is allowable in view of the following examiner's amendment.

The amendment to the specification provides a more explicit antecedent to digital image, computer manipulation thereof, and computer program as cited in the claims and thus recites inherent functions as argued by the applicant. It has been entered into the file.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Leonard Heyman on 5/30/2007.

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Claim 11, Page 6, 5th line from the bottom of Page 6, replace the second paragraph from the bottom, i.e.

replace [identifying a set of final red areas, the set of final red areas including the hard red areas and the real color areas;]

with –identifying a set of final red areas, the set of final red areas including the hard red areas and same color areas, each of the same color areas being a contiguous set of pixels built around the real color centers of the hard red areas wherein each pixel of the contiguous set of pixels has a color that is within a predetermined color distance from an average color of the hard red area; –

Allowable Subject Matter

Claims 1, 4, 6, 8, 10-11, 14-16 and 18-20 are allowed. The following is an examiner's statement of reasons for allowance. The prior art fails to teach the listed claims each of which specifically comprises the following listed feature(s) in combination with other limitations in the respective claims:

Claims 1 and 16

-- excluding ones of the hard red areas from being identified as the red eye region when a virtual weight center of the hard red area deviates more than a selected percentage from a geometric center of the hard red area, the virtual weight center having an x-coordinate equal to a sum of an x-coordinate of each pixel of the hard red area divided by a number of pixels in the hard red area, and a y-coordinate equal to a sum of a y-coordinate of each of the pixels within the hard red area divided by the number of pixels in the hard red area.

Claim 11

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--identifying a real color center for the identified hard red areas, the real color center being defined as at least one pixel defining a point within the identified hard red area, the at least one pixel having values for hue, saturation and intensity closest of all pixels within the hard red area to the arithmetic averages of all pixels within the hard red area for hue, saturation, and intensity.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuzhen Ge whose telephone number is 571-272 7636. The examiner can normally be reached on 7:30am-4:00pm.

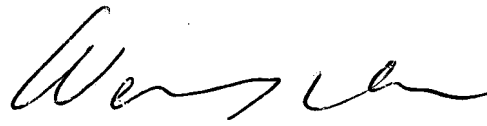
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yuzhen Ge
Examiner
Art Unit 2624

WENPENG CHEN
PRIMARY EXAMINER


6/18/07